

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: Amendments of Local Civil and Criminal :
 Rules**

ORDER

:

The Court being vested with authority pursuant to 28 U.S.C. § 2071 & Rule 83 of the Federal Rules of Civil Procedure to make and amend local rules; proposed amendments to Local Civil Rules having been submitted to the Lawyers' Advisory Committee and the public for comment; comments having been received and considered, and the proposed amendments having been approved by the Board of Judges;

It is on 1st day of March, 2010,

ORDERED that the following Local Rules are amended to read:

(Amended/new text underlined)

Civ. RULE 5.3 PROTECTIVE ORDERS AND PUBLIC ACCESS UNDER CM/ECF

* * *

(c) Motion to Seal or Otherwise Restrict Public Access

* * *

(2) Any motion to seal or otherwise restrict public access shall be available for review by the public. The motion papers shall describe (a) the nature of the materials or proceedings at issue, (b) the legitimate private or public interests which warrant the relief sought, (c) the clearly defined and serious injury that would result if the relief sought is not granted, and (d) why a less restrictive alternative to the relief sought is not available. Proposed Findings of Fact and Conclusions of Law shall be submitted with the motion papers in the proposed order required by (c)(5) below. If the information required in this section is not within the knowledge of the movant, supplemental motion papers in support of the motion may be filed by a party, individual or entity having such knowledge not later than fourteen (14) days after the filing of the motion.

(3) Any materials deemed confidential by a party or parties and submitted with regard to a motion to seal or otherwise restrict public access shall be filed electronically under the designation "confidential materials" and shall remain sealed until such time as the motion is decided, subject to Local Civil Rule 72.1(c)(1)(C). When a document filed under seal contains both confidential and non-confidential information, an unredacted version shall be filed under seal, and a version with only the confidential portions redacted shall be filed publicly.

Civ. Rule 6.1 EXTENSIONS OF TIME AND CONTINUANCES

* * *

(b) The time within which to answer or reply may, before its first expiration and with or without notice, be extended once for a period not to exceed 14 days on order granted by the Clerk. Any other proposed extension of time must be presented to the Clerk for consideration.

Civ. Rule 7.1 APPLICATION AND MOTION PRACTICE

* * *

(d) Filing Motion Papers

(3) If the moving party chooses to file papers in reply, those papers including a reply brief specifying the motion day on the cover page, with proof or acknowledgment of service thereof on all other parties, must be filed with the Clerk at least seven days prior to the motion day. No reply papers shall be filed on a motion for reconsideration pursuant to L.Civ.R. 7.1(i) or on a cross-motion, unless the Court otherwise orders.

(5) The motion day of a dispositive motion may be adjourned once by a party opposing the motion, without the consent of the moving party, the Court, or the Clerk. To obtain the automatic extension a party must file with the Clerk, and serve upon all other parties, a letter invoking the provisions of this rule before the date on which opposition papers would otherwise be due under L.Civ.R. 7.1(d)(2). That letter shall set forth the new motion day, which shall be the next available motion day following the originally noticed date. All parties opposing the motion shall file their opposition papers at least 14 days prior to the new motion day, and the moving party shall file its reply papers, if any, at least seven days prior to the new motion day. No other extension of the time limits provided in L.Civ.R. 7.1(d)(2) and (3) shall be permitted without an Order of the Court, and any application for such an extension shall advise the Court whether other parties have or have not consented to such request.

(e) Preparation of Order

All filed motions shall have annexed thereto a proposed order. If the proposed order does not adequately reflect the Court's ruling, the prevailing party, if directed by the Court, shall submit an order within seven days of the ruling on the motion on notice to all other parties. Unless the Court otherwise directs, if no specific objection to that order with reasons therefor is received within seven days of its receipt by the Court, the order may be signed. If such an objection is made, the matter may be listed for hearing at the discretion of the Court.

(i) Motions for Reconsideration

A motion for reconsideration shall be served and filed within 14 days after the entry of the order or judgment on the original motion by the Judge or Magistrate Judge. A brief setting forth concisely the matter or controlling decisions which the party believes the Judge or Magistrate Judge has overlooked shall be filed with the Notice of Motion.

Civ. Rule 8.1 PLEADING DAMAGES

A pleading which sets forth a claim for relief in the nature of unliquidated money damages shall state in the *ad damnum* clause a demand for damages generally without specifying the amount. Within 14 days after service of a written request by another party, the party filing the pleading shall furnish the requesting party with a statement of the amount of damages claimed, which statement shall not be filed except on court order. Nothing stated herein shall relieve the party filing the pleading of the necessity of alleging the requisite jurisdictional amount in controversy, where applicable.

Civ. Rule 9.1 SPECIAL MATTERS – REVIEW OF SOCIAL SECURITY MATTERS

* * *

(a)(5) Plaintiff may serve upon defendant a brief in reply to the brief of defendant within 14 days after receipt of defendant's brief.

(a)(6) Within seven days of service of plaintiff's reply brief or within 14 days of plaintiff's receipt of defendant's brief (if no reply brief is submitted by plaintiff), the plaintiff shall with the Clerk of the Court the originals plus one copy of the following documents (and shall send a copy of the transmittal letter to the defendant and to the Judge to whom the case is assigned):

* * *

Civ. Rule 9.2 SPECIAL MATTERS – ADMIRALTY AND MARITIME RULES

LAMR (c)(1) Intangible Property. The summons issued pursuant to Supplemental Rule C(3) shall direct the person having control of intangible property to show cause no later than 14 days after service why the intangible property should not be delivered to the Court to abide further order of the Court. Upon order of the Court, the person who is served may deliver or pay over to the Clerk of Court the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim. If such delivery or payment is made, the person served is excused from the duty to show cause.

(e) A statement that the claim of a person who is entitled to possession or who claims an interest pursuant to Supplemental Rule C(6) must be filed with the Clerk and served on the attorney for plaintiff within 14 days after publication;

(f) A statement that an answer to the complaint must be filed and served within 21 days after the claim is filed, and that otherwise, default may be entered and condemnation ordered;

* * *

**LOCAL ADMIRALTY AND MARITIME RULE
POSSESSORY, PETITORY, AND PARTITION ACTIONS**

LAMR (d) Return Date. In an action under Supplemental Rule D, a judicial officer may order that the claim and answer be filed on a date earlier than **21** days after arrest. The order may also set a date for expedited hearing of the action.

**LOCAL ADMIRALTY AND MARITIME RULE
ACTIONS *IN REM* AND *QUASI IN REM*: GENERAL PROVISIONS**

LAMR (e)(7) Security for Costs. In an action under the Supplemental Rules, a party may move upon notice to all parties for an order to compel an adverse party to post security for costs with the Clerk pursuant to Supplemental Rule E(2)(b). Unless otherwise ordered, the amount of security shall be \$500.00. The party so notified shall post the security within **seven** days after the order is entered. A party who fails to post security when due may not participate further in the proceedings. A party may move for an order increasing the amount of security for costs.

LAMR (e)(8) Adversary Hearing. An adversary hearing following arrest or attachment or garnishment under Supplemental Rule E(4)(f) shall be conducted by the Court within **seven** days after a request for such hearing, unless otherwise ordered.

* * *

LAMR (e)(10) Intervenor's Claims and Sharing of Marshal's Fees and Expenses.

(a) Intervention Before Sale. When a vessel or other property has been arrested, attached, or garnished, and is in the hands of the Marshal or custodian substituted therefor, anyone having a claim against the vessel or property is required to present the claim by filing an intervening complaint under Fed.R.Civ.P. 24, and not by filing an original complaint, unless otherwise ordered by a judicial officer. An order permitting intervention may be signed *ex parte* at the time of filing the motion, subject to the right of any party to object to such intervention within **21** days after receipt of a copy of the motion and proposed pleading. Upon signing of an order permitting intervention the Clerk shall forthwith deliver a conformed copy of the intervening complaint to the Marshal, who shall deliver the copy to the vessel or custodian of the property. Intervenors shall thereafter be subject to the rights and obligations of parties and the vessel or property shall stand arrested, attached, or garnished by the intervenor. An intervenor shall not be required to advance a security deposit to the Marshal for seizure of a vessel as required by LAMR (e)(9). Release of property arrested, attached or garnished by an intervenor shall be done in accordance with Supplemental Rule E.

LAMR (e)(12) Sale of Property.

(a) Notice. Notice of sale of property in an action *in rem* shall be published under such terms and conditions as set by the Court.

(b) Payment of Bid. These provisions apply unless otherwise ordered in the order of sale: The person whose bid is accepted shall immediately pay the Marshal the full purchase price if the bid is

\$1000 or less. If the bid exceeds \$1000, the bidder shall immediately pay a deposit of at least \$1000 or 10% of the bid, whichever is greater, and shall pay the balance within seven days after the day on which the bid was accepted. If an objection to the sale is filed within that seven-day period, the bidder is excused from paying the balance of the purchase price until seven days after the sale is confirmed. Payment shall be made in cash, by certified check or by cashier's check.

(e) Time and Procedure for Objection to Sale. An interested person may object to the sale by filing a written objection with the Clerk within seven days following the sale, serving the objection on all parties of record, the successful bidder, and the Marshal, and depositing such sum with the Marshal as determined by him or her to be sufficient to pay the expense of keeping the property for at least seven days. Payment to the Marshal shall be in cash, certified check or cashier's check.

(f) Confirmation of Sale. A sale shall be confirmed by order of the Court within seven days, but no sooner than three days, after the sale. If an objection to the sale has been filed, the Court shall hold a hearing on the confirmation of the sale. The Marshal shall transfer title to the purchaser upon the order of the Court.

Civ. Rule 10.1 FORM OF PLEADINGS

(a) The initial pleading, motion, or other paper of any party filed in any cause other than criminal actions in this Court shall state in the first paragraph the street and post office address of each named party to the case or, if the party is not a natural person, the address of its principal place of business. If a pleading, motion, or other initial paper submitted for filing in a case does not contain the street and post office address of counsel, their client(s) or unrepresented parties, it may be stricken by the Clerk and returned to the submitting party by the Clerk unless a statement why the client's address cannot be provided at this time is presented. Counsel and/or unrepresented parties must advise the Court of any change in their or their client's address within seven days of being apprised of such change by filing a notice of said change with the Clerk. Failure to file a notice of address change may result in the imposition of sanctions by the Court.

* * *

Civ. Rule 16.1 PRETRIAL CONFERENCES; SCHEDULING; CASE MANAGEMENT

* * *

(g)(2) L.Civ.R. 7.1 shall apply to case management motions, except that no reply papers shall be allowed except with the permission of the Magistrate Judge. Unless oral argument is to be heard under L.Civ.R.16.1(g)(3), the Magistrate Judge may decide the motion on the basis of the papers received when the deadline for submitting opposition has expired.

Civ. Rule 26.1 DISCOVERY

* * *

(b) Meeting of Parties, Discovery Plans, and Initial Disclosures

(b)(2)

(e) The date by which discovery should be completed;

(i) Proposed dates for filing motions and for trial;

(j) Whether the case is one which might be resolved in whole or in part by voluntary arbitration (pursuant to L.Civ.R. 201.1 or otherwise), mediation (pursuant to L.Civ.R. 301.1 or otherwise), appointment of a special master or other special procedure.

The parties shall make their initial disclosures under Fed.R.Civ.P. 26(a)(1) within 14 days after the initial meeting of the parties, unless otherwise stipulated or directed by the Court. Such discovery plans and disclosures shall not be filed with the clerk.

Civ. Rule 37.1 DISCOVERY MOTIONS

* * *

(3) L.Civ.R. 7.1 shall apply to discovery motions, except that no reply papers shall be allowed except with the permission of the Magistrate Judge. Unless oral argument is to be heard under L.Civ.R. 37.1(b)(4), the Magistrate Judge may decide the motion on the basis of the papers received when the deadline for submitting opposition has expired.

* * *

Civ. RULE 40.1 ALLOCATION AND ASSIGNMENT OF CASES

* * *

(c) **Related Cases.** When a civil action: (1) relates to any property included in a case already pending in this Court; (2) grows out of the same transaction as any case already pending in this Court; or (3) involves the validity or infringement of any patent, copyright or trademark which is involved in a case already pending in this Court, counsel shall at the time of filing the action inform the Clerk of such fact. Whenever possible, such action shall be assigned to the same Judge to whom the pending related action is assigned. A subsequent case or application filed by a pro se plaintiff shall, where feasible and within the appropriate vicinage, be assigned to the Judge to whom the first prior case or application of the plaintiff was assigned.

Civ. Rule 41.1 DISMISSAL OF INACTIVE CASES

* * *

(b) When a case has been settled, counsel shall promptly notify the Clerk and the Court, thereafter confirming the same in writing. Within 21 days of such notification, counsel shall file all papers necessary to terminate the case. Upon failure of counsel to do so, the Clerk shall prepare an order for submission to the Court dismissing the action, without costs, and without prejudice to the right to reopen the action within 60 days upon good cause shown if the settlement is not consummated.

Civ. Rule 54.1 COSTS

(d) The notice of motion shall specify the hour and date when application to the Clerk to tax the costs will be made, which shall not be less than three nor more than seven days from the date of the notice if personal service is made and, if service is made by mail, not less than seven nor more than 14 days from the date the notice is deposited in the mail.

(h) A dissatisfied party may appeal to the Court upon written notice of motion served within seven days of the Clerk's action, as provided in Fed.R.Civ.P. 54(d).

Civ. RULE 54.2 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES

(d) Application for Attorney's Fees and Petitions for Leave to Appeal Determination of Attorney's Fees Under the Provisions of the Equal Access to Justice Act

(1) A party applying for an award of attorney's fees and expenses under 28 U.S.C. §2412(d)(1)(B), as amended, shall identify the specific position of the Government which the party alleges was not substantially justified.

Civ. RULE 58.1 ENTRY OF JUDGMENTS AND ORDERS

(b) In all cases contemplated by Fed. R. Civ. P. 58(b)(2) and when the Court makes any judgment as defined in Fed. R. Civ. P. 54(a), the prevailing party shall, within seven days after determination, submit a judgment or order to the Court on notice to all parties. Unless the Court otherwise directs, if no specific objection to that judgment or order with reasons therefor is received from the adversary within seven days of receipt of the prevailing party's judgment or order, the judgment or order may be signed by the Court. If such an objection is made, the matter may be listed for hearing at the discretion of the Court.

Civ. RULE 72.1 UNITED STATES MAGISTRATE JUDGES

(c) Appeals from Judgments and Other Orders

(1) Appeals from Non-Dispositive Orders

(A) Any party may appeal from a Magistrate Judge's determination of a non-dispositive matter within 14 days after the party has been served with a copy of the Magistrate Judge's order, unless a motion for reargument of the matter pursuant to L.Civ.R. 7.1(g) has been timely filed and served, in which case the time to appeal will begin to run when the parties are served with a copy of the Magistrate Judge's order rendering a determination on the merits of such a motion. Such party shall file with the Clerk and serve on all parties a written notice of appeal which shall specifically designate the order or part thereof appealed from and the basis for objection thereto. The notice of appeal shall be

submitted for filing in the form of a notice of motion conforming with the requirements of L.Civ.R. 7.1. The party filing an appeal shall provide to the Court a transcript of that portion of the hearing before the Magistrate Judge wherein findings of fact were made, no later than 14 days before the return date of the motion. Any party opposing the appeal shall file a responsive brief at least 14 days prior to the motion day. A cross-appeal related to the subject matter of the original determination may be filed by the responding party together with that party's opposition and may be noticed on the same date as the original appeal, as long as the responding papers are timely filed. A brief in reply to the cross-appeal may be filed at least seven days prior to the date originally noticed. Each of the above periods may be altered by the Magistrate Judge or Judge. A Judge shall consider the appeal and/or cross-appeal and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law.

(C) The Clerk shall take no action with respect to a Magistrate Judge's order for transfer of venue or denying a motion to seal under L. Civ. R. 5.3 until 14 days from the filing of such an order. In the event that a notice of appeal from such an order is filed within time allowed in the Rule, the Clerk shall take no action until the appeal is decided by the Judge.

(2) Objections to Magistrate Judge's Proposed Findings, Recommendation or Report

Any party may object to the Magistrate Judge's proposed findings, recommendations or report issued under this Rule within 14 days after being served with a copy thereof. Such party shall file with the Clerk and serve on all parties written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis of such objection. Such party shall file with the Clerk a transcript of the specific portions of any evidentiary proceeding to which objection is made. A Judge shall make a *de novo* determination of those portions to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge, however, need not normally conduct a new hearing and may consider the record developed before the Magistrate Judge, making his or her own determination on the basis of that record. The Judge may also receive further evidence, recall witnesses or recommit the matter to the Magistrate Judge with instructions.

Civ. RULE 73.1 CIVIL TRIALS BY CONSENT BEFORE UNITED STATES MAGISTRATE JUDGES

(d) The consent form shall be filed with the Clerk not later than 21 days after the date of the final pretrial conference.

(f) Upon the entry of judgment in a civil case disposed of by a Magistrate Judge on consent of the parties under authority of 28 U.S.C. §636(c) and L.Civ.R. 73.1, an aggrieved party shall appeal directly to the Court of Appeals in the same manner as an appeal from any other judgment of this Court.

Civ. RULE 79.1 CUSTODY OF ORIGINAL PAPERS, RECORDS AND EXHIBITS

(e) In the event that exhibits consist of heavy or bulky models or other material which cannot conveniently be mailed, the Clerk, in writing, shall notify the attorney who introduced such exhibits to remove them within 21 days and, upon the attorney's failure to do so, they shall be disposed of as the Clerk sees fit.

Civ. RULE 81.2 PETITIONS FOR HABEAS CORPUS AND MOTIONS UNDER 28 U.S.C. § 2255 IN NON-DEATH PENALTY CASES

(e) Upon entry of an appealable order, the Clerk and appellant's counsel will prepare the record for appeal. The record will be transmitted to the Third Circuit Court of Appeals within seven days after the filing of a notice of appeal from the entry of an appealable order under 18 U.S.C. §3731, 28 U.S.C. §1291 or 28 U.S.C. §1292(a)(1).

Civ. RULE 81.3 PETITIONS FOR *HABEAS CORPUS* AND MOTIONS UNDER 28 U.S.C. § 2255 IN DEATH PENALTY CASES

(q) Upon entry of an appealable order, the Clerk and appellant's counsel will prepare the record for appeal. The record will be transmitted to the Third Circuit Court of Appeals within seven days after the filing of a notice of appeal from the entry of an appealable order under 18 U.S.C. § 3731, 28 U.S.C. § 1291 or 28 U.S.C. § 1292(a) (1), unless the appealable order is entered within 14 days of the date of the scheduled execution, in which case the record shall be transmitted immediately by an expedited means of delivery.

Civ. RULE 101.1 ADMISSION OF ATTORNEYS

* * *

(c) Appearance *Pro Hac Vice*; Local Counsel

(1) Any member in good standing of the bar of any court of the United States or of the highest court of any state, who is not under suspension or disbarment by any court and is ineligible for admission to the bar of this Court under L. Civ. R. 101.1(b), may in the discretion of the Court, on motion, be permitted to appear and participate in a particular case. The motion shall contain a certified statement of the applicant disclosing each bar in which the applicant is a member in good standing including the year of admission and the name and address of the official or office maintaining the roll of such members of its bar; in lieu thereof, the motion may attach a certificate of good standing issued by the person or office maintaining the roll of the members of its bar. The motion shall also contain a statement certifying that no disciplinary proceedings are pending against the attorney in any jurisdiction and no discipline has previously been imposed on the attorney in any jurisdiction. If discipline has previously been imposed within the past five years, the certification shall state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, the certification shall specify the jurisdiction, the charges and the likely time of their disposition. An attorney admitted *pro hac vice* shall have the continuing obligation during the period of such admission promptly to advise the court of the disposition made of pending charges or of the institution of new disciplinary proceedings.

Civ. RULE 104.1 DISCIPLINE OF ATTORNEYS

(e) Disciplinary Proceedings

(8) Upon the Chief Judge's issuance of a complaint and order to show cause as set forth in L.Civ.R. 104.1(e)(7), the respondent shall file an answer within 21 days of the receipt of the complaint and order to show cause. In the answer respondent may set forth all affirmative defenses, including all claims of mental and physical disability, if any, and whether they are alleged to be causally related to the offense charged. Within 30 days of the filing of an answer, the respondent and investigating counsel may serve demands for discovery.

(f) Duties of the Clerk

(3) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk shall, within 14 days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified copy of the judgment or order of disbarment, suspension, censure or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

Civ. RULE 201.1 ARBITRATION

(e) Referral for Arbitration

(4) The Plaintiff shall within 14 days upon receipt of the order appointing [the] arbitrator send, to the arbitrator a copies of any complaint, amended complaint and answers to counterclaim; counsel for each defendant shall, within 14 days upon receipt of this order, send to the arbitrator any answer, amended answer, counterclaim, cross-claim and answer hereto, any third-party complaint. Upon receipt of these materials, the arbitrator shall forthwith inform all parties, in writing, as to whether the arbitrator, or any firm or member of any firm with which he or she is affiliated has (either as a party or attorney), at any time within the past five years, been involved in litigation with or represented any party to the arbitration, or any agency, division or employee of such a party.

(6) Either *sua sponte*, or upon a recommendation received from the arbitrator, or upon the application of a party, the Judge to whom the case is assigned may exempt from arbitration any action that would otherwise be arbitrable under this Rule if (a) it involves complex or novel legal issues, or (b) the legal issues predominate over the factual issues, or (c) other good cause is shown. When initiating such a review either *sua sponte* or upon recommendation of the arbitrator, the Judge may proceed pursuant to an order to show cause providing not less than 14 days notice to all parties of the opportunity to be heard. Any application by a party to exempt an action from arbitration shall be by formal motion pursuant to these Rules.

(f) Arbitration Hearing

(5) The Federal Rules of Evidence shall be used as guides to the admissibility of evidence. Copies or photographs of all exhibits, except exhibits intended solely for impeachment, must be marked for identification and delivered to adverse parties at least 14 days prior to the hearing and the arbitrator shall receive exhibits into evidence without formal proof unless counsel has been notified at least seven days prior to the hearing that the adverse party intends to raise an issue concerning the authenticity of the exhibit. The arbitrator may refuse to receive into evidence any exhibit a copy or photograph of which has not been delivered to the adverse party, as provided herein.

Civ. RULE 301.1 MEDIATION

* * *

(c) Compensation of Mediators

Each mediator designated to serve by the Chief Judge under L.Civ. R. 301.1 (a) shall be compensated \$300 an hour for service in each civil action referred to mediation, which compensation shall be borne equally by the parties. Where all parties select as a mediator a person not designated as a panel mediator under L. Civ. R. 301.1 (a), the parties and the mediator may, by written agreement, fix the amount and terms of the mediator’s compensation.

* * *

(e) Mediation Procedure

* * *

(4) If the parties and the mediator agree, the mediation session may include a neutral evaluation by the mediator of the parties’ positions on any designated claims, counterclaims, defenses or other material issues; and the parties and mediator may arrange a schedule within the mediation timetable for briefing and discussing such matters.

(5) The mediator may meet with counsel and the parties jointly or *ex parte*. All information presented to the mediator shall be deemed confidential unless requested otherwise and shall not be disclosed by anyone, including the mediator, without consent, except as necessary to advise the Court of an apparent failure to participate. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation shall be disclosed in any subsequent proceeding or construed as an admission.

(6) All proceedings (including motion practice and discovery) shall be stayed for a period of 90 days from the date a civil action is referred to mediation. Any application for an extension of the stay shall be made jointly by the parties and the mediator and shall be considered by the referring Judge or Magistrate Judge.

Cr. RULE 5.1 UNITED STATES MAGISTRATE JUDGES

(o) In accordance with 28 U.S.C. §636(b)(1)(B) and (C), conducting such evidentiary hearings as are necessary and appropriate, and submitting to a Judge proposed findings of fact and recommendations for the disposition of:

(3) Any party may object to the Magistrate Judge's proposed findings, recommendations or report issued under this Rule within 14 days after being served with a copy thereof, pursuant to the procedure set forth in L.Civ.R. 72.1(c)(2).

Cr. RULE 44.1 FORMAL WRITTEN APPEARANCE - CRIMINAL MATTERS

Unless appointed by a formal order of the Court, after the filing of an indictment or information the attorney for each defendant named therein shall promptly file with the Clerk a formal appearance in substantially the form set forth in Appendix B and shall mail a copy thereof to the United States Attorney. If defense counsel is not a member of the bar of this Court, he or she shall also certify that he or she is a member in good standing of the bar of a court of the United States or of the highest court of a state, who is not under suspension or disbarment of any court, and shall indicate the bar(s) of which he or she is a member and the year(s) of admission, in substantially the form set forth in Appendix B.

Cr. RULE 55.1 RECORD OF PROCEEDINGS

(a) The Magistrate Judge disposing of a case involving a petty offense or a misdemeanor, as defined in the Federal criminal code, shall file with the Clerk a record of proceedings prepared on forms, dockets, etc., to be furnished by the Administrative Office of the United States Courts. The record of proceedings, with the original papers attached, shall be filed with the Clerk not later than 21 days following the date of final disposition.

(c) In all other cases, as soon as the defendant is discharged or after binding over, is either confined on final commitment or released on bail, except as provided in the Court's plan implementing the Criminal Justice Act, the Magistrate Judge is required within 21 days thereafter to transmit to the Clerk the file in the case including, if issued or received by the Magistrate Judge, the original complaint, warrant of arrest with the officer's return thereon, temporary and final commitments with returns thereon, and the completed transcript which consists of verbatim copies, carbon or otherwise, of all successive docket entries in the case.

Cr. RULE 58.1 PROCEEDINGS IN MISDEMEANOR AND PETTY OFFENSE CASES

(d) Appeals from Judgments in Misdemeanor or Petty Offense Cases

(1) A defendant may appeal a judgment of conviction by a Magistrate Judge in a misdemeanor or petty offense case by filing a notice of appeal with the Clerk within 14 days after entry of the judgment, and by serving a copy of the notice upon the United States Attorney. The scope of review upon appeal shall be the same as an appeal from a judgment of the District Court to the Third Circuit.

(2) In all such misdemeanor appeals, the appellant shall serve and submit a brief within 21 days of the filing of the notice of appeal. The appellee shall serve and submit a brief within 21 days after the receipt of a copy of appellant's brief. The appellant may serve and submit a reply brief within seven days after receipt of the appellee's brief. All briefs shall conform to the requirements of L.Civ.R. 7.2(b). Fifty days after the filing of the notice of appeal, the Clerk shall place that appeal upon the calendar for hearing.

APPENDIX B. CRIMINAL CASE APPEARANCE FORM

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. _____

APPEARANCE

To the Clerk of this Court and all parties of record:

Enter my appearance as counsel in this case for _____
Name of Defendant

I hereby certify under penalty of perjury that I am a member in good standing of the bar of the following Court(s) since the indicated year of admission and that I am not the subject of suspension or disbarment from any Court:

Court(s)

Year(s) of Admission

Date: _____

Signature of Attorney

Print Name

Address

City State Zip Code

Phone Number Fax Number

APPENDIX J. PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

(4)(f)(8) Time Within Which Trial Must Commence.

“A defendant contending that the time within which trial should have commenced has passed, must move for dismissal as provided in 18 U.S.C. §3162(a)(2) not less than 10 days before the scheduled trial date, unless the time within which trial should have commenced expires less than 14 days prior to the scheduled trial date, in which event the motion for dismissal must be made no later than the date defendant avers the trial should have commenced. Failure of the defendant to so move shall constitute a waiver of the rights set forth in 18 U.S.C. §3162(a)(2), unless the Court, for good cause shown, permits the motion to be made and heard at a later date.”

(4)(f)(9)

“Except for good cause shown, the Court may not extend the time for filing motions after plea under Fed. R. Crim. P. 12(c) beyond 30 days. Such motions will be heard and ruled upon promptly, so that the trial need not be delayed.”

9(b) Time For Dispositional Hearing. “If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 21 court days after trial, unless the Court has ordered further study of the juvenile in accordance with 18 U.S.C. §5037(c).”

(11)(b)(4) The United States Attorney shall, within seven days after the close of the reporting period, furnish each Judge, each Magistrate Judge, the Circuit Executive and the Clerk of the Court with a copy of the bi-weekly DJ-130 report of persons in custody.

APPENDIX M. GUIDELINES FOR ARBITRATION

III. Suggested Format for the Presentation of Evidence at Arbitration Hearings

"Copies of photographs of all exhibits, except exhibits intended solely for impeachment, must be marked for identification and delivered to adverse parties at least 14 days prior to the hearing... ." To facilitate this exchange, counsel may obtain exhibit stickers from the Clerk's office. Copies of all exhibits exchanged must also be forwarded to the arbitrator at least 14 days prior to the hearing.

VI. The Arbitration Procedure - A Summary “[A]t least 14 days prior to the arbitration hearing, each counsel shall comply with L.Civ.R. 201.1(f)(5)

APPENDIX Q. GUIDELINES FOR MEDIATION

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II. Mediator's Responsibility for Managing the Mediation Process

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B. The function of the mediator is to serve as a neutral facilitator of settlement. The mediator is expected to conduct the mediation process in an expeditious manner. Neither the parties nor the mediator may disclose any information presented during the mediation process without consent. The only exception to this rule of confidentiality is when disclosure may be necessary to advise the compliance judge of an apparent failure to participate in the mediation process.

Mediation, unlike arbitration, is not intended to be a fact-finding or decision-making process. Instead, the focus of mediation is to resolve the dispute between the parties. Resolution of that dispute may lead the parties and the mediator to explore questions of law or issues of fact beyond the scope of the pleadings or to reach settlements which go beyond the relief sought in the pleadings. Furthermore, a mediation may include the submission of “claims, counterclaims, defenses and other material issues” to the mediator for his or her evaluation as a neutral at any point in the mediation, should the parties so agree. See L. Civ. R. 301.1 (e)(4). The purpose of neutral evaluation by the mediator is to secure his or her views on material issues which, often because of contrary positions strongly held by the parties, are erecting barriers to a negotiated settlement. Such a neutral evaluation may result in an advisory opinion as to the strengths and /or weaknesses of a party’s legal or factual position on an issue so presented to the mediator. It is anticipated that, upon completion of any such evaluation and its assessment by the parties, either the action will settle or the mediation will resume to its conclusion. In short, mediation is a flexible process which may be molded to fit the needs of a particular case. No specific procedures have been set for the mediator to follow. Instead, the intent of L.Civ.R. 301.1 is for the mediator to assist the parties to reach a negotiated settlement by conducting meetings, defining issues, defusing emotion and suggesting possible ways to resolve the dispute.

* * *

IV. Compensation of Mediators

A. A mediator who is selected by the court or by the parties from the panel of mediators designated by the Chief Judge shall be compensated at the rate of \$300.00 an hour. The time incurred by a mediator in reviewing the submissions of the parties shall be included in the calculation of his or her time. The compensation, which shall be paid equally by the parties, may not be varied by the consent of the parties.

APPENDIX S. DISCOVERY CONFIDENTIALITY ORDER

8. If counsel for a party receiving documents or information designated as Confidential or Attorneys’ Eyes Only hereunder objects to such designation of any or all of such items, the following procedure shall apply:

(a) Counsel for the objecting party shall serve on the designating party or third party a written objection to such designation, which shall describe with particularity the documents or information in question and shall state the grounds for objection. Counsel for the designating party or third party shall respond in writing to such objection within 14 days, and shall state with particularity the grounds for asserting that the document or information is Confidential or Attorneys’

Eyes Only. If no timely written response is made to the objection, the challenged designation will be deemed to be void. If the designating party or nonparty makes a timely response to such objection asserting the propriety of the designation, counsel shall then confer in good faith in an effort to resolve the dispute.

It is FURTHER ORDERED these amendments are effective this date.

FOR THE COURT:

S/GARRETT E. BROWN, JR.
Chief Judge